

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES KARAM and LISA KARAM,

Plaintiffs,

-against-

AFFIRMATION

13-CV-1018

COUNTY OF RENSSELAER, NEW YORK; JACK MAHAR, in his individual and official capacity as the Sheriff of Rensselaer County; PATRICK RUSSO, in his individual and official capacity as the Undersheriff of Rensselaer County; KATHLEEN JIMINO, in her individual and official capacity as the County Executive of Rensselaer County; RUTH VIBERT, in her individual and official capacity as Chief of Corrections of the Rensselaer County Sheriff's Department; HAROLD SMITH, in his individual and official capacity as a Captain of the Rensselaer County Sheriff's Department; TOM HENDRY, in his individual and official capacity as Director of Human Resources of Rensselaer County; LINDA BALDWIN, in her individual and official capacity as the Payroll Clerk of Rensselaer County; and JOHN DOE(S) and JANE DOE(S), in their individual and official capacities as officials, officers, agents, employees and/or representatives of Rensselaer County,

Defendants.

A.J. Bosman, Esq. affirms the following statements to be true under the penalties of perjury:

1. I am the attorney for the Plaintiffs James Karam and Lisa Karam in the above captioned matter.
2. I make this affirmation in opposition to Defendants' motions for summary judgment.
3. The accompanying Responsive Statements of Material Facts and Memorandum of Law make reference to a number of exhibits. These exhibits are attached hereto and marked as follows:

EXHIBIT #1 PHOTO OF ARAB HEADDRESS GIVEN TO PLAINTIFF JAMES KARAM BY UNDERSHERIFF, DEFENDANT RUSSO; E-MAIL

FROM DEFENDANT SMITH DATED JUNE 17, 2003; E-MAIL FROM DEFENDANT RUSSO DATED MARCH 4, 2010, SUBJECT: WHAT THE TALIBAN DO WHEN THEY AREN'T KILLING PEOPLE ...; VIDEO FILE WHICH WAS ATTACHED TO SAID MARCH 4, 2010 E-MAIL.

- EXHIBIT #2 PHOTO OF BURNT-OUT CAR WITH SIGN "LT. KARAM'S UNDERCOVER UNIT"
- EXHIBIT #3 TIME SHEET OF LT. JAMES KARAM, DEPT: "RATE SQUAD"
- EXHIBIT #4 MEMORANDUM OF SHERIFF MAHAR DATED FEBRUARY 1, 2006
- EXHIBIT #5 EXCERPT FROM TRANSCRIPT OF TESTIMONY GIVEN BY PLAINTIFF JAMES KARAM IN ABBOTT V. RENSSELAER COUNTY, ET AL. (MARCH 9, 2012)
- EXHIBIT #6 LETTER WITH RECOMMENDED FINDINGS OF FACT, OPINION AND DECISION, AND ORDER OF THE DIVISION OF HUMAN RIGHTS IN ABBOTT MATTER (APRIL 24, 2013)
- EXHIBIT #7 LETTER OF JACK MAHAR (JUNE 19, 2012); E-MAIL STRING (AUGUST 6, 2012); E-MAIL STRING (SEPTEMBER 20, 2012) RE: HIPAA INVESTIGATION
- EXHIBIT #8 MEMORANDA (2) RE: TIME & ATTENDANCE REVIEW (AUGUST 29, 2012)
- EXHIBIT #9 DOCTOR'S NOTE FOR JAMES KARAM DATED SEPTEMBER 4, 2012, RE: "OUT OF WORK UNTIL FURTHER NOTICE"
- EXHIBIT #10 JAMES KARAM'S 207-c APPLICATION WITH REPORT OF DR. OVENS
- EXHIBIT #11 GRIEVANCE FORM (NOVEMBER 30, 2012), UPSEU ALERT, LETTER TO KATHLEEN JIMINO FROM UPSEU (SEPTEMBER 16, 2013), AND LEAVE BANK AGREEMENT OF MARCH 2003
- EXHIBIT #12 DEMAND FOR ARBITRATION, LETTER TO KATHLEEN JIMINO (NOVEMBER 30, 2012), LEAVE BANK AGREEMENT OF MARCH 2003, AND COPIES OF LEAVE DONATIONS FROM THE PROBATION DEPARTMENT TO JAMES KARAM
- EXHIBIT #13 FAX TO COXACKIE POLICE DEPARTMENT RE: JAMES KARAM

(JAN. 3, 2013)

- EXHIBIT #14 CERTIFIED MAIL RECEIPT, COVER LETTER DATED FEBRUARY 26, 2013, AND NOTICE OF CLAIM OF FEBRUARY 25, 2013
- EXHIBIT #15 LETTER FROM JACK MAHAR TO JAMES KARAM DATED FEBRUARY 28, 2013
- EXHIBIT #16 LETTER DATED MAY 3, 2013 FROM DR. DENEAL TO ATTORNEY GOLDBERGER ALONG WITH DR. DENEAL'S REPORT OF 1, 2013
- EXHIBIT #17 LETTER FROM A.J. BOSMAN, ESQ. TO STEPHEN PECHENIK, ESQ. DATED JUNE 5, 2013
- EXHIBIT #18 DEFENDANTS' RESPONSE TO PLAINTIFF'S EEOC COMPLAINT (AUGUST 26, 2013)
- EXHIBIT #19 COMPLAINT (FILED AUGUST 20, 2013) WITH AFFIDAVITS OF SERVICE SHOWING DATE OF SERVICE OF SEPTEMBER 5, 2013
- EXHIBIT #20 LETTER FROM JACK MAHAR DATED SEPTEMBER 13, 2013 TO JAMES KARAM
- EXHIBIT #21 SHEET PREPARED BY DEFENDANTS RE: 207-c APPLICATIONS
- EXHIBIT #22 207-PAPERWORK FOR DEPUTY GREG BROWN
- EXHIBIT #23 LETTER FROM DEFENSE COUNSEL DATED MARCH 6, 2015
- EXHIBIT #24 RECORDING OF TAPED CONVERSATION BETWEEN JAMES KARAM AND SHERIFF MAHAR (RECORDING BEGINS WITH A CONVERSATION BETWEEN JAMES KARAM AND GREG BROWN) (802_0033)
- EXHIBIT #25 RECORDING OF TAPED CONVERSATION BETWEEN JAMES KARAM AND UNDERSHERIFF RUSSO (802_0015)
- EXHIBIT #26 RECORDING OF TAPED CONVERSATION BETWEEN JAMES KARAM AND MARCELLE SWANBERRY (802_0020)
- EXHIBIT #27 RECORDING OF TAPED CONVERSATION BETWEEN JAMES KARAM AND MARCELLE SWANBERRY (802_0046)
- EXHIBIT #28 RECORDING OF TAPED CONVERSATION BETWEEN JAMES

KARAM AND LINDA BALDWIN

4. The accompanying Responsive Statements of Material Facts and Memorandum of Law also make reference to a number of transcripts of deposition. These transcripts are filed concurrently with the instant submission and include the:

Transcript of the 50-h hearing of Plaintiff James Karam taken on 05/29/2013

Transcript of the Deposition of Plaintiff James Karam taken on 12/08/2014

Transcript of the Continued Deposition of Plaintiff James Karam taken on 02/27/2015

Transcript of the Deposition of Plaintiff Lisa Karam taken on 12/15/2014

Transcript of the Deposition of Defendant Jack Mahar taken on 01/30/2015

Transcript of the Deposition of Defendant Patrick Russo taken on 02/26/2015

Transcript of the Deposition of Defendant Kathleen Jimino taken on 12/23/2014

Transcript of the Deposition of Defendant Ruth (Vibert) Fredericks taken on 01/05/2015

Transcript of the Deposition of Defendant Harold Smith taken on 02/12/2015

Transcript of the Deposition of Defendant Thomas Hendry taken on 02/26/2015

Transcript of the Deposition of Marcelle Swanberry taken on 02/25/2015

Transcript of the Deposition of Richard Ovens, Psy. D., taken on 02/17/2015

Dated: June 3, 2015

s/A.J. Bosman

A.J. Bosman, Esq.